

EXHIBIT F

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1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

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3 IN RE: METHYL TERTIARY BUTYL MDL 1358
3 ETHER ("MTBE") PRODUCTS 00 Civ. 1898 (SAS)
4 LIABILITY LITIGATION

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5 -----x

5 New York, N.Y.
6 May 2, 2012
6 2:10 p.m.

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7 Before:

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8 HON. SHIRA A. SCHEINDLIN,

9
9 District Judge

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10 APPEARANCES

11
11 MILLER, AXLINE & SAWYER
12 Attorneys for Plaintiff
12 BY: MICHAEL AXLINE

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13 LAW OFFICES OF JOHN K. DEMA, P.C.
14 Attorneys for Plaintiffs Puerto Rico and New Jersey
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16 Attorneys for Defendant Exxon Mobil Corporation
17 BY: JAMES PARDO
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18 KING & SPALDING
19 Attorneys for Defendant Chevron
19 BY: JAMES J. MAHER

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20 GREENBERG TRAUIG
21 Attorneys for Defendants
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1 THE COURT: So now we go to defendants' agenda items.
2 The first one is this delineation of the Tamcrest site
3 where plaintiffs incorrectly delineated that particular site
4 accidentally, I guess allegedly accidentally, delineated a
5 different country club. And this error has been discussed.

6 And in the April 25 letter defendant asked the Court
7 to order production of the correct delineation and instruct the
8 plaintiffs to expedite responses, to cite specific discovery
9 requests defendants might need after receiving the revised
10 delineations.

11 In the April 30 letter, plaintiffs said they now
12 provided the revised delineation on April 27, is that right,
13 did you get a revised delineation?

14 MR. PARDO: We did, your Honor. There are other
15 issues about the delineations. But this issue I believe with
16 the country club has been resolved.

17 THE COURT: Is there an issue that I need to address
18 today or no?

19 MR. PARDO: Specific to that, no, your Honor.

20 THE COURT: So we go to the next one. The next one is
21 called Puerto Rico plaintiffs' failure to delineate its trial
22 sites.

23 Defendants' April 25 letter said plaintiffs had not
24 yet delineated its trial sites. On April 27, plaintiffs did
25 advise the defendant which three of their ten they were

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1 dropping and they say they produced delineations for the
2 remaining seven. But they also called them preliminary
3 delineations. They want to reserve the right for the expert to
4 amend or modify the delineations.

5 Apparently, in June of 2011, which of course I can't
6 remember but that's why God created transcripts, June 2011 I
7 said that the delineations should be final and the plaintiffs
8 should live with the delineations they drew.

9 But, apparently, October in the transcript I said
10 something like oh, no, that was earlier, October 2010, I
11 supposedly said with reference to a number of private wells
12 that were near the trial sites, I said this is far from final
13 and it would take more time to ascertain all the number of
14 private wells as opposed to public wells without an expert.

15 So I wasn't talking about the same subject, sounds
16 like it was two different subjects.

17 Also plaintiffs say that their nontestifying
18 consultants attempted to draw the site geographic boundaries
19 so-called generously so the discovery could cover the entire
20 scope of ground water contamination.

21 If these were drawn generously, it seems to me that
22 these delineations should be final and binding and not amended
23 and modified because they could change dramatically. That
24 wouldn't be fair.

25 MR. AXLINE: Your Honor, with respect to all of the
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1 delineations that we've provided today in both New Jersey and
2 Puerto Rico, we have made it clear and the defendants have
3 accepted and I thought your Honor had understood that these
4 delineations were for the purpose of narrowing down what the
5 defendants had to look at. They've been produced by our
6 consulting experts, not by our testifying experts.

7 THE COURT: Right. But they delineate the geographic
8 limitations of the site.

9 MR. AXLINE: Correct. But we've always reserved the
10 right when we have our testifying experts do a closer analysis
11 of these.

12 THE COURT: But you can't expand the site at that
13 point. You can contract it. You could find more things within
14 it, but you can't expand the geographic limitation. That could
15 change the site entirely.

16 MR. AXLINE: That's why we drew them generously.

17 THE COURT: I understand that. So now you're bound to
18 that. You can draw the line narrower or make less of it, but
19 you can't suddenly double it. That would not be fair. It
20 would change entirely.

21 So I'm saying the delineations you drew are final on
22 the outer limits. You can always contract them. That seems to
23 be OK, but you can't expand them.

24 MR. AXLINE: Understood, your Honor.

25 THE COURT: OK. With that understanding, what's left,
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